

# TWENTY-SEVENTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, Tuesday, Oct. 17, 1871. }

Senate met pursuant to adjournment. President Campbell presiding. Roll called. Quorum present.

Absent—Senators Broughton, Flanagan, Fountain, Parsons, Pridgen and Saylor.

Absent, excused—Senator Pickett.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

## REPORTS OF STANDING COMMITTEES.

Report of Committee on Contingent Expenses :

COMMITTEE ROOM,  
Austin, Oct. 16, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Contingent Expenses have had under consideration the following accounts, to-wit :

|  |          |
|--|----------|
| Account of Enoch L. James for .....            | \$120 00 |
| do. J. G. Tracy (date Sept. 18, 1871) for..... | 218 00   |
| do. J. G. Tracy (date Sept. 18, 1871) for .... | 362 10   |

and finding the same correct, recommend that the Senate do allow the same.

Respectfully,

J. S. MILLS, Chairman.

Report read.

On motion of Senator Gaines, the rules were suspended to consider the report; and upon further motion, the report was adopted, and the several accounts allowed.

Report of Committee on Engrossed Bills :

COMMITTEE ROOM,  
Austin, Oct. 17, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Engrossed bills have examined and find correctly engrossed the following Senate bills : Senate bill No. 362, "An act to incorporate the Young Men's Real Estate,

Building and Joint Stock Association of the town of Bryan;" Senate bill No. 494, "An act to incorporate the Star Water Works Company."

G. T. RUBY,  
E. L. DOHONEY,  
P. W. HALL.

Report read and received.

Under the direction of the President, the Secretary carried to the House for concurrence Senate bill No. 362.

### BILLS AND RESOLUTIONS.

By Senator Bowers: a resolution (Senate concurrent resolution No. 9) as follows:

WHEREAS, The many recent disastrous conflagrations in different portions of the United States have demonstrated the insecurity of buildings supposed to be fire-proof; and

Whereas, The public State buildings in the city of Austin, containing the public archives, records and libraries of the State are exposed to the dangers of fire, no measures having been adopted for their protection; therefore

*Resolved*, That a committee of three from the Senate and five from the House be appointed to take into consideration the propriety of adopting some efficient measures for the protection of the public State buildings, archives, records, etc., against fire, and to report by bill or otherwise.

*Resolved*, That the concurrence of the House in the foregoing resolution is respectfully requested.

On motion of Senator Cole the resolution was adopted.

The President appointed as the committee on the part of the Senate, Senators Bowers, Saylor and Hertzberg.

By Senator Bowers: A bill (Senate bill No. 502) to be entitled "An act to legalize the recording of deeds for land in unorganized counties and other instruments of writing." Read first time and referred to the Committee on Judiciary.

Also, a bill (Senate bill No. 503) to be entitled "An act providing for the recording of deeds for land and other instruments of writing in unorganized counties." Read first time and referred to the Judiciary Committee.

By Senator Dohoney: a bill (Senate bill No. 504) to be entitled "An act to provide for appeals from interlocutory judgments in the district courts of the State. Read first time and referred to the Judiciary committee.

By Senator Saylor: a bill (Senate bill No. 505) to be entitled

"An act to incorporate the Galveston Paving Company." Read first time and referred to Committee on State Affairs.

### BILLS ON THIRD READING.

Senate bill No. 185, "An act supplementary to the several acts now in force to regulate railroad companies." Read third time and, on motion of Senator Cole, recommitted to the committee on Internal Improvements.

On motion of Senator Gaines, the rules were suspended to take from file House bill No. 298, "An act to incorporate the Germania Club of Brenham." Read second time.

On motion of Senator Gaines, the following amendment, reported by the Committee on State Affairs, were adopted: amend by adding to section two the following: "upon their gymnastic exercises or social entertainments for pleasure." Bill passed to a third reading as amended.

On motion of Senator Gaines, the rules were further suspended and House bill No. 298 read third time and passed.

Senator Ford moved to reconsider the vote of yesterday by which the Senate refused to order the engrossment of Senate bill No. 478. "An act to authorize the Commissioner of the General Land office to appoint an assistant photographer and making an appropriation herefor.

Yeas and nays called for, and motion to reconsider carried by the following vote:

Yeas—Mr. President, Baker, Douglas, Ford, Gaines, Hall, Hertzberg, Hillebrand, Latimer, Pettit, Pyle, Ruby, Saylor, Shannon, Tendick—15.

Nays—Bell, Cole, Dohoney, Evans, Mills, Rawson—6.

Message from the Governor by his Private Secretary, Mr. Britton, was announced as follows:

GOVERNOR'S OFFICE. {  
Austin, Oct. 14, 1871, }

Hon. DON CAMPBELL,

President of the Senate:

SIR: The Board of Education of the State of Texas, in obedience to the duty imposed on them by section four of the school law of April 24, 1871, of reporting, for the action of the Legislature, from time to time such amendments of the school laws of this State as may be found necessary, stating in their report the facts and reasons which in their opinion render necessary such proposed amendments, respectfully report as follows:

The total amount appropriated by the Legislature for salaries

of teachers and employes for the current scholastic year is \$450,000, out of which must be deducted the sum of \$42,000 for salaries of thirty-five supervisors under section two, which, together with, say \$20,000, for payment of examiners and other employes, will reduce the amount at the disposal of teachers during the current year to \$388,000. This sum is equal to an appropriation *per capita* on the scholastic population of \$1 70.

The experience of the present year has shown that the scholastic population of the State has been very greatly underrated. It is difficult to believe that that population has more than doubled since 1861, when it was reported at 105,200, whereas the census for the scholastic year ending August 31, 1871, presents a total of 227,616 children, and the board believe that this is considerably less than the actual number, as in almost every instance where a comparison has been instituted between the United States census of 1870 and that taken by the tax assessors for the year 1870 to 1871, the former gives a greater number of children of scholastic age than the latter. In the county of Navarro alone this difference is 179.

In view of these facts and of the circumstance that the schools have at length been placed in running order, the board recommend that section two of the school law of April 24, 1871, be amended by enacting that the State be re-apportioned into twelve supervisors' districts, instead of thirty-five: and that over each of these twelve districts, a supervisor be appointed with an annual salary of eighteen hundred dollars, and two hundred dollars per annum for travelling expenses and postage.

By this means a yearly reduction of \$18,000 can be effected in the working expenses, and a corresponding amount gained for payment of teachers, except for the current year, when, if the proposed amendment be adopted to take effect November 1, 1871, the reduction will amount to \$11,000.

The board further recommend that the unexpended balance of the deficiency appropriation for the payment of teachers and employes for the year ending August 31, 1871, be permitted to be added to the appropriation for that purpose for the current year.

This balance is estimated at \$33,000, but the precise amount has not yet been ascertained.

The board are also of opinion that the appropriation of \$10,000 will not be sufficient to pay the expenses of taking the scholastic census for the current year at the rates fixed by the school law of

1866, and respectfully recommend either a remodeling of the rates determined by that act, or an increase of the appropriation.

All of which is respectfully submitted.

EDMUND J. DAVIS, Governor,

WILLIAM ALEXANDER, Attorney General,

J. C. DeGRESS, Supt. of Public Instruction.

Board of Education.

Message read, and upon motion of Senator Mills, referred to the Committee on Education.

On motion of Senator Bell the rules were suspended to take from file House bill No. 746, "An act to incorporate the Texas Land and Immigration Company." Read second time and passed to a third reading.

[Senator Dohoney in the chair.]

On motion of Senator Bell the rules were further suspended and House bill No. 746 read third time and passed.

On motion of Senator Bowers the vote of yesterday, by which the Senate refused to order the engrossment of Senate bill No. 103, "An act for the relief of the heirs of W. J. Cowan, deceased," was reconsidered, and on further motion Senate bill No. 103 was re-committed to the Committee on Private Land Claims.

On motion of Senator Evans, the rules were suspended to take from file House bill No. 549, "An act to incorporate Scyene Masonic Male and Female Institute." Read first time and passed to a second reading.

On motion of Senator Pettit the rules were further suspended and the bill read second time and passed to a third reading.

On motion of Senator Evans the rules were further suspended and House bill No. 549 read third time and passed.

Under direction of the President, the Secretary returned to the House the following House bills, with information that the Senate had passed the same without amendments: House bill No. 704, "An act to incorporate the Yorktown Fire Company No. 1, of the town of Yorktown, in the county of DeWitt;" House bill No. 726, "An act to authorize Howard Keyes and his associates to construct a toll bridge across lake fork of Sabine river;" House bill No. 812, "An act to incorporate the Colorado Fire Company No. 2, of the city of Austin."

Message from the House by the Chief Clerk, Mr. Gallant, returning Senate bill No. 498, "An act amending 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870," and informing the Senate that the House had passed the same without amendment; and transmitting for signature of the President enrolled House bills

as follows: House bill No. 29, "An act to amend an act entitled 'an act to adopt and establish a penal code for the State of Texas,' approved August the twenty-sixth, A. D. 1856;" House bill No. 132, "An act amendatory of an act approved October 1, 1866, entitled 'an act granting to James L. Tarver the privilege of constructing a ferry across Big Cypress;" House bill No. 133 "An act to authorize John R. Strickland and Douglas Pucket to establish a ferry on big Cypress creek." House bill No. 537 "An act supplementary to 'an act to provide the mode of trying titles to land,' approved February 5, 1840."

Enrolled bills signed by the President in open session and returned to the House.

By leave, Senator Gaines introduced the following resolution, which was adopted:

*Resolved*, That the Secretary of the Senate be and he is hereby requested to report to the Senate the number of clerks and employes now employed by the Senate, and what their employment is; and also a list of names of said clerks and all employes, and the amount of *per diem* drawn by each one.

#### BILLS ON SECOND READING.

Senate bill No. 271, "An act to prohibit the sale of intoxicating or spirituous liquors within the vicinity of Owensville." Read second time, and on motion of Senator Hall the following amendments, reported by the Committee on State Affairs, were adopted:

Amend section one, line five, by striking out the word "town" and inserting the word "seminary."

Amend section two, line three, by striking out the word "fifty" and inserting the word "ten."

Bill ordered engrossed and passed to a third reading as amended.

On motion of Senator Hall the rules were further suspended and Senate bill No. 271 read third time and passed.

Senator Bell offered the following resolution, which was adopted:

*Resolved*, That the Chairman of the Committee on General Land Office be required to furnish the Senate with a report of all the receipts and disbursements of the said Land Office, and that the chairman be requested to report at an early day.

Report of Committee on Enrolled Bills:

COMMITTEE ROOM,  
Austin, Oct. 17, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Enrolled Bills have examined and find

correctly enrolled, signed and perfected, Senate bill No. 486, entitled "An act making an appropriation to defray the contingent and printing expenses of Twelfth Legislature," and to-day at 11:30 o'clock A. M. presented the same to the Governor for his approval.

B. J. PRIDGEN, Chairman.

Report read and received.

#### BILLS ON SECOND READING RESUMED.

Senate bill No. 305, "An act to incorporate the Texas Insurance Company." Read second time.

On motion of Senator Ruby, Senate bill No. 305 was indefinitely postponed.

Senate bill No. 234, "An act to incorporate the North Texas Land and Immigration Company." Read second time.

On motion of Senator Broughton, Senate bill No. 234 was indefinitely postponed.

On motion of Senator Pridgen, the rules were suspended to consider the report of the Special Committee of May 22, 1871, upon the account of Wm. Scanlan, Deputy Sergeant-at-Arms, for expenses incurred in subpoenaing witnesses in the impeachment trial of Wm. H. Russell.

On motion of Senator Douglas the report and account were re-committed to the Committee on Contingent Expenses.

#### BILLS ON SECOND READING RESUMED.

Senate bill No. 190, "An act to be entitled 'an act to incorporate the North Western Land and Immigration Company.'" Read second time and on motion of Senator Baker was indefinitely postponed.

Senate bill No. 353 read second time. On motion of Senator Bowers Senate bill No. 353 was recommitted to the Committee on Private Land Claims.

Senate bill No. 263, "An act to provide for the taking care of sick or disabled persons in the employ of railroad companies or their contractors." Read second time.

Senator Ford moved that Senate bill No. 263 be indefinitely postponed. Pending the motion to indefinitely postpone, Senator Mills moved that the Senate stand adjourned to 10½ A. M. to-morrow. Carried.

So the Senate at 12 o'clock and 10 minutes adjourned to 10½ A. M. to-morrow.